IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4098 OF 2005

Pandharinath Sukhdev Bhagade ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr.Rajeev Sawant & Associates for the Applicant
Mr.S.D.Shinde, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JULY 15,2005.

P.C.:

1. Heard Counsel appearing for the parties. The offence alleged against the Applicant and co-accused is under Sections 307,504 read with 34 of the Indian Penal Code and Section 135 of Bombay Police Act,1951.

2. The learned Counsel for the Applicant submitted that the complainant is the accused in a cross case and he is shown as absconding. He submitted that recovery of chopper cannot be relied upon as the recovery is made on 10th November 2004 from the open place. He submitted that there is every possibility that the version of the complainant is totally fabricated as he is an accused in another case in which F.I.R. is registered on the same day.

3. The learned A.P.P. has placed on record the material to show that the Applicant is involved. Apart from the complainant, the version of other witnesses appears to be very

consistent regarding assault by the Applicant. The injury certificate of the complainant shows fracture of rib and that he was required to be hospitalised. Though belatedly there is recovery of the chopper at the instance of the Applicant. The chopper was having blood stains and as per the report of the Chemical Analyser, the blood stains on the chopper are of the blood group of the complainant. These are the factors which clearly show at this stage the complicity of the Applicant. Reliance cannot be placed on the order passed by this Court in Criminal Application No.3041 of 2005 by which co-accused was enlarged on bail. The co-accused was enlarged on bail considering the limited role played by him.

4. No case is made out for grant of bail. Liberty to the Applicant to move the concerned Sessions court for expeditious disposal of the trial.

JUDGE